

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**DECLARATION OF ROBERT E. BARNES IN SUPPORT OF
PLAINTIFF'S MOTION TO EXTEND TIME TO FILE A NOTICE OF
APPEAL OF THIS COURT'S FINAL JUDGMENT**

I, ROBERT E. BARNES, hereby declare as follows:

1. I am an attorney at law duly authorized to practice law in this court in the above-captioned case. I am familiar with the files, pleadings and facts of this case and if called as a witness, I could and would competently testify to the following facts based on my personal knowledge or upon my information and belief as indicated. I make this Declaration in support of Plaintiff's Motion to Extend Time to File A Notice of Appeal of This Court's Final Judgment.

2. On or about February 22, 2024 at 2:32 a.m. eastern time (February 21, 2024 at 11:32 p.m. pacific time), I electronically filed a Notice of Appeal of this Court's order granting Defendant's Motion to Dismiss, and denying Plaintiff's Motion re: Jurisdiction. (D.E. No. 23). Approximately five (5) hours earlier (i.e. February 22, 2024 at 6:30 p.m. pacific time, February 21, 2024 at 9:30 p.m. eastern time), I commenced the electronic filing of the Notice of Appeal. However, I experienced wifi connectively and other technical problems. I mistakenly believed at this time that I had at least five more hours to complete the filing. In so believing, I neglected to adequately consult the applicable local rules regarding the last day for documents submitted electronically. I thereby mistakenly believed that the deadline to file said Notice of Appeal was midnight on the day of the filing deadline, irrespective of the time zone of the filer.
3. My filing location was on the west coast, and thereby subject to the pacific standard time zone.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of March, 2024.

/s/ Robert E. Barnes

Robert E. Barnes
Declarant